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MAIN COMMITTEE III

SUMMARY RECORD OF THE 1st MEETING

Held at United Nations Headquarters, New York,
on Thursday, 20 April 1995, at 10 a.m.

Chairman: Mr. RAMAKER (Netherlands)

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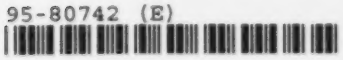

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The meeting was called to order at 10.20 a.m.

ORGANIZATION OF WORK

1. The CHAIRMAN said that under the terms of reference worked out by the Preparatory Committee and adopted by the Conference, the primary task of Main Committee III was to review the operation of the Treaty relating to the peaceful applications of nuclear energy. The items allocated to the Committee were outlined in annex V to document NPT/CONF.1995/1. Agenda item 17 would be considered by Main Committee II as well. Because of the links between international cooperation in the nuclear field and non-proliferation assurances through safeguards, the officers of Main Committees II and III would maintain close contacts in order to avoid any duplication of work and in order to make the most efficient use of the time allotted.

2. Document NPT/CONF.1995/MC.III/CRP.1 contained an indicative timetable, which should be viewed as a flexible guideline for the Committee's work. The President of the Conference had asked the Chairmen of the Main Committees to complete their review by the end of the third week. To that end, delegations would need to submit written contributions or documents as early as possible. The Drafting Committee of the Conference would start its work on Friday, 28 April, at the same time as Main Committee III was drafting its formulations. At that juncture, Main Committee III would need to consider how best to contribute to the work of the drafting committee.

3. Although the report on the work of Main Committee III during the 1990 Review Conference (NPT/CONF.1990/45/II) had not been finally adopted, it contained much agreed language that could be useful. The papers prepared by the International Atomic Energy Agency (IAEA) on articles IV and V (NPT/CONF.1995/8 and NPT/CONF.1995/9, respectively) were of relevance to the Committee's work. They had been supplemented by the statement of the Director-General of IAEA at the opening meeting of the Conference, and by parts of the IAEA paper on safeguards (especially NPT/CONF.1995/7/Part I). The views of the Group of Non-Aligned and Other States on peaceful uses of nuclear energy were set forth in document NPT/CONF.1995/14.

GENERAL EXCHANGE OF VIEWS

4. Mr. HOFFMANN (Germany) said that the solution of the energy problem was the key to the realization of sustainable development world wide. If nuclear energy was to play a significant role in that concept, the development of the technical basis, safety of nuclear installations, physical security of radioactive and fissile materials, and non-proliferation must be assured. Germany had a pivotal interest and played a prominent role in international cooperation in the peaceful uses of nuclear energy, as demonstrated by its contributions to the IAEA Technical Assistance and Cooperation Fund. Since the previous Review Conference, Germany had contributed annually about 9 per cent of the resources, a contribution amounting to $5,550,000 in 1995. In addition, Germany implemented substantive bilateral cooperation programmes through research institutions and industry.

5. Germany attached the greatest importance to the application of the highest standards for nuclear safety nationally and internationally. It was the leading donor in connection with the improvement of nuclear safety of facilities in the countries of Central and Eastern Europe and in the former Soviet Union. On the basis of a German initiative, the Nuclear Safety Convention had been concluded in 1994. It represented a significant first step for an international nuclear safety regime that would encompass all types of nuclear activities. Germany called on all States to ratify it as soon as possible.

6. In recent years, the problem of illicit trafficking in radioactive and fissile material has grown worse. That development pointed to the pivotal importance of an effective system of physical protection and reliable national systems of accountancy and control as a crucial element of international safeguards. Safeguards should become a universal principle, applicable to both nuclear- and non-nuclear weapon States. Germany therefore welcomed the announcement that the United States would submit a huge amount of fissile material formerly used for weapons purposes to IAEA safeguards - an example that should be followed by other nuclear-weapon States. In that connection, he recalled the proposal by the German Minister for Foreign Affairs, Mr. Kinkel, to establish an international plutonium regime, under which safeguards would be applied to all non-military separated plutonium and highly enriched uranium which had not been subject to international monitoring. That proposal had been explicitly supported by the European Council. The problems raised by nuclear trafficking should be solved bilaterally and multilaterally. Germany and the Russian Federation had agreed to intensify bilateral cooperation, and the States members of the European Union had agreed to offer assistance, inter alia, in establishing and improving national systems of accountancy and control in countries in need. Germany and its European partners supported IAEA efforts in that area.

7. In contributing to the fullest possible international exchange with regard to the peaceful uses of nuclear energy, Germany, as a major exporting country, was under the obligation to prevent its nuclear transfers and exports from being misused for non-peaceful purposes. Together with other supplier countries, first in the Zangger Committee and later in the Nuclear Suppliers Group, it had tried to establish the necessary international framework for international cooperation and the transfer of technology and material, including transfers to developing countries. The principle of full-scope safeguards as a condition for the supply of material gave a clear preference to international cooperation with States parties to the NPT and equivalent undertakings. Export licensing and controls were in full conformity with the NPT and were indeed an indispensable element in its implementation. All States parties to the NPT that were in a position to transfer nuclear material, equipment and technology were under an obligation to set up reliable systems of export controls. In that context, Germany welcomed the fact that Argentina and South Africa had joined the Nuclear Suppliers Group, and hoped that other countries would declare their readiness to apply its guidelines. It expected that the contribution of export controls to the viability of the international non-proliferation system would be fully reflected in the final document of the Conference.

8. Mr. MIŠÁK (Slovakia) said that the Slovak Republic had succeeded the former Czech and Slovak Federal Republic in respect of all its international rights and

obligations, including instruments of international law in the field of peaceful uses of nuclear energy. In addition, Slovakia had ratified the Vienna Convention on Civil Liability for Nuclear Damage and the Joint Protocol, as well as the Nuclear Safety Convention.

9. In the Slovak Republic, nuclear energy was used exclusively for peaceful purposes. Since domestic primary sources of energy covered only 14 per cent of energy consumption, nuclear energy played an inevitable role in the national economy. That had been recognized in long-term plans for the energy sector. In 1994, nearly 50 per cent of the electricity generated in Slovakia had come from nuclear sources. Nuclear energy was also used, although to a smaller degree, in health care, scientific research and industry.

10. The Slovak Republic had entered into a number of intergovernmental agreements dealing with the exchange of information and the transfer of nuclear technology, materials and equipment for scientific, research and energy generation purposes. In all cases, those agreements were in strict compliance with the provisions of the Treaty on the Non-proliferation of Nuclear Weapons and of the agreements between the Slovak Republic and IAEA, as well as with other international obligations and recommendations. In recent intergovernmental agreements in the field of the peaceful uses of nuclear energy, the Slovak Republic also strictly followed international practices. Cooperation with IAEA, of whose Board of Governors it was a member, had an important place in the international activities of the Slovak Republic. Technical assistance and cooperation had been particularly successful. At present, Slovakia was taking an active part in 6 national and 11 regional projects and was successfully developing bilateral and multilateral cooperation with countries in the Group of 24 and with other countries. All nuclear projects in the Slovak Republic had a significant international character. Mention should also be made of the valuable cooperation, particularly in matters relating to nuclear safety, with the industrialized countries, which provided Slovakia with technical support, engineering services and nuclear components.

11. Slovakia's assessment of the implementation of article IV of the Treaty and its promotion of international cooperation in the peaceful uses of nuclear energy was positive. It also believed that nothing in the Treaty should be interpreted as affecting the right of the parties to develop research, production and use of nuclear energy or to participate in the fullest exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy.

12. Mr. STOIBER (United States of America) said he hoped that, with the cooperation of all delegations, the Committee's deliberations on the peaceful uses of nuclear energy would have a constructive outcome and would result in a report reflecting a consensus among delegations as to how the articles of the Treaty under review could be implemented more effectively. The Committee's work could make an important contribution towards promoting the interest of all nations in using nuclear technology to advance their economic and social development, while at the same time assuring global peace and security. It should be remembered that, at the 1990 Review Conference, Main Committee III had been able to achieve such a result, notwithstanding the inability of the Conference to approve a final document incorporating the results of the

Committee's work. Having said that, it was important not to produce an extensive report but, rather, not to lose sight of the primary goal of the Conference, which was the extension of the Treaty. In that connection, whatever conclusion was reached should reflect the consensus approach adopted at previous Review Conferences. Achieving consensus was a difficult task which required good will and flexibility on the part of all concerned. Since it was recognized that all national interests must be accommodated, the best approach would be to prepare a relatively brief report recording the main lines of consensus with regard to the peaceful uses provisions of the Treaty, as well as guidelines designed to make them more effective in the future.

13. The use of nuclear energy for peaceful purposes was a central element of the Treaty which had not always received all the attention it deserved. The current deliberations would serve to strengthen the effectiveness of three key elements of article IV, namely, the reaffirmation of the basic right of each nation to develop nuclear energy for peaceful purposes in accordance with the commitments made under the Treaty; an undertaking by each party to facilitate "the fullest possible exchange" of technology to develop nuclear energy for peaceful purposes; and an undertaking to cooperate with other parties and international organizations in contributing to the further development of nuclear technology, with due consideration for the needs of the developing areas of the world.

14. It was important to recognize the vital link between the commitment to peaceful nuclear development and the non-proliferation provisions of the Treaty. Without an effective non-proliferation system, the United States and most other countries which had highly developed nuclear programmes would not be willing to cooperate in the exchange of technology or materials which could pose a risk that other countries and regions might acquire a nuclear explosive capability. Article IV established the right to develop nuclear energy for peaceful purposes "without discrimination", a term which would undoubtedly give rise to an extensive debate. In his view, the term meant that States which made binding commitments with regard to non-proliferation under the Treaty and which provided convincing evidence that they were abiding by those commitments should be able to choose their own path of peaceful nuclear development, regardless of their level of economic development, political structure or political relationships.

15. With regard to the undertaking to facilitate "the fullest possible exchange", his delegation believed that it had been in strict compliance with article IV and it could present an extensive and detailed record of the cooperation and facilitation activities it had supported during the past quarter of a century, as indicated in the fact sheet which it had distributed to delegations. For many years, the United States had implemented a preferential policy in its nuclear commerce and cooperation with parties to the Treaty, a policy which was consistent with the purposes of the Treaty. However, in analysing that element, it was important to understand what it did not mean. It did not mean that every party was bound to undertake any kind of cooperation in the peaceful uses of nuclear energy with any other party at that party's demand, but that the parties could choose what activities of other nations they wished to support and which they did not. In practice, the parties would make their own choices about the development of nuclear energy, including their choice of fuel cycle. Those choices must be respected, but article IV did not require any

nation to support them actively unless it chose to do so. Moreover, article IV was not, and had not been intended to be, an "assistance" or "resource transfer" provision. Nations which chose to develop nuclear energy for peaceful purposes should do so on the basis of sound economic, technical and non-proliferation grounds. In that connection, it was significant to note that the largest volume of technology transfer in the nuclear area was conducted not by States but by private commercial entities - suppliers of equipment, architectural and engineering firms, consultants, producers of materials and others. The use of the term "facilitate" in article IV did not suggest that those commercial arrangements should be replaced by Government financing or support. Those parties which decided to enter the field must be prepared to bear the very large financial burden of those capital-intensive projects. Article IV did not alter the economic or commercial realities of nuclear power.

16. His delegation, which intended to make some recommendations regarding the future work of IAEA, hoped that the Committee would give due recognition to the assistance provided by the Agency in the transfer of peaceful nuclear technology. For many member States, including the United States, however, it would be difficult to find resources to finance the Agency's activities. The United States would continue to provide support, including financial support, for the Agency's important programmes in technical cooperation and research and isotopes, but, at a time of budgetary constraints and efforts to reduce the budget deficit, the resources allocated to IAEA could not be increased as much as might be wished. His delegation would therefore insist upon caution and realism when requests were being formulated for new programmes or for an increase in resources for cooperative nuclear activities, whether within IAEA or elsewhere.

17. Mr. TITKOV (Russian Federation) said that his country remained faithful to the principle of equitable international cooperation in the peaceful uses of nuclear energy and to the provision of assistance to the developing regions of the world, without discrimination, in order to satisfy legitimate development needs, in accordance with the Treaty. The Russian Federation, like the former Soviet Union, was doing its utmost to create conditions enabling the non-nuclear-weapon States to have access to the equipment, material and information they needed in the field of nuclear energy and to reap the benefits of the peaceful uses of nuclear energy, at both the bilateral and the multilateral level, including in the framework of IAEA. Many measures in that field had been introduced during the past five years.

18. Development and the applications of nuclear energy were one of the most important and most enduring aspects of cooperation. On the basis of projects developed by the Russian Federation, 20 nuclear power stations had been constructed and were in operation in Bulgaria, Hungary, the Czech Republic, Slovakia and Finland, producing a total of 9,980 megawatts. Another four such stations were currently under construction in Slovakia, two in the Czech Republic and two in Cuba. In addition, two international cooperation agreements had been signed with Iran for the construction in that country of two nuclear power plants and for the promotion of cooperation in the peaceful uses of nuclear energy. With regard to the construction of nuclear power plants and other installations abroad, Russian organizations had provided services in many fields, including selection of sites, design, and manufacture and supply of

nuclear equipment and fuel. During the period between 1990 and 1994, nuclear fuel had been shipped to Russia for reprocessing after use in a certain type of nuclear reactor in Hungary, Finland, Ukraine and Slovakia. Furthermore, within the framework of technical cooperation carried out with the United Nations and IAEA, and in accordance with Security Council resolutions 687 (1991) and 707 (1991), nuclear fuel extracted from an experimental Iraqi reactor had been shipped to Russia for recycling. Iraq had taken all the appropriate measures regarding the work carried out in its own territory.

19. Cooperation between the Russian Federation and the developing countries had been oriented towards meeting their urgent needs. One example was seawater desalination: on the basis of IAEA recommendations, a project had been prepared for constructing a nuclear desalination plant aimed at producing drinking water by the year 2000. At IAEA meetings in Vienna and Cairo in 1994, Russia had presented an advanced plan for a floating desalination plant at greatly reduced cost which would use ships equipped with nuclear reactors. It had also developed projects for the construction of thermal power stations in countries with a severe climate. Following the Chernobyl accident, programmes for building atomic power plants in Russia and in eastern Europe had been drastically cut back in favour of research on enhanced security in the production of nuclear energy, an aspect in which Russia was conducting wide-ranging cooperation with other countries, including the members of the Commonwealth of Independent States and the Baltic countries. As a result of the collapse of the Soviet Union, a new situation had arisen, since some of the nuclear power stations were located beyond Russian frontiers, while the majority of the specialists who had been responsible for operating them had remained in Russia. Nevertheless, Russia acknowledged its responsibility with regard to those plants. Collaboration with the Commonwealth of Independent States was being conducted on the basis of the fundamental principles laid down in a multilateral agreement concluded in Minsk in June 1992 with Armenia, Belarus, Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan, Ukraine and Uzbekistan, which established the machinery for cooperation and reflected the principles of non-proliferation at the international level. Under that agreement, representatives of the competent bodies of those countries held periodic consultations to consider practical issues and the status of implementation of the agreement. As a result of those consultations, it had been decided to establish greater coordination of activities, and groups of experts had been formed in many spheres of cooperation. The participants in those meetings had requested Russia to organize ongoing, high-level courses for the training of specialists in accountability for and control of nuclear materials.

20. Despite the economic difficulties that Russia was facing, it had found funds, in the form of regular voluntary contributions, to finance assistance to the developing countries that were members of IAEA. In 1994, Russia's voluntary contributions had amounted to 3 billion roubles. Through IAEA, Russia had supplied the developing countries with electron accelerators, cyclotron systems, neutron generators and other materials and equipment. In the context of IAEA cooperation with Russian scientific research institutes and enterprises, annual courses were organized for training, including on-the-job training, apprenticeships, scientific visits and other special courses for the developing countries that were members of IAEA. Advanced courses had covered medicine,

biophysics, biochemistry and other areas; research had also been conducted on cyclotrons, practical work had been carried out on neutron accelerators and generators and the processing of nuclear waste, and courses have been given on the production of liquid nitrogen.

21. The Non-Proliferation Treaty had created a unique structure which facilitated growing cooperation in the peaceful uses of nuclear energy with an eye to the future. In the light of that structure, new opportunities constantly arose for socio-economic development in the developing countries, with which Russia was ready to continue expanding its cooperation on the basis of their specific needs and characteristics.

22. Mr. AKAO (Japan) said that the Treaty was founded on three main pillars, namely, prevention of the proliferation of nuclear weapons, the right to the peaceful uses of nuclear energy, and the pursuit of nuclear disarmament. To slight any one of those pillars would seriously jeopardize the credibility of the entire regime. The non-proliferation regime, far from restricting exchanges among the States parties in the peaceful uses of nuclear energy, served as an international framework to facilitate cooperation not only among industrialized countries but also with developing countries. Japan, as one of the most advanced countries in that area, was determined to do its best to extend such cooperation and promote the peaceful uses of nuclear energy, while, at the same time, ensuring non-proliferation of nuclear weapons. In that respect, Japan greatly appreciated and supported the important role played by IAEA in pursuing the objectives of both non-proliferation and the peaceful uses of nuclear energy.

23. Nuclear power was, and should continue to be, one of the major sources of energy, in addition to fossil fuels and hydroelectric power, and its utilization - which should go hand in hand with assurances of non-proliferation and safety - played and would continue to play an important role in economic and social development. In particular, nuclear power contributed to efforts to combat global warming by minimizing the emission of carbon dioxide. It was the view of Japan that each country's decisions in the field of peaceful uses of nuclear energy should be respected without jeopardizing its respective fuel-cycle policies, and any programme in that sphere should be carried out in accordance with the principle of not holding surplus plutonium and observing as much transparency as possible.

24. IAEA had been playing a significant role in international cooperation in the peaceful uses of nuclear energy, with due consideration for the needs of the developing countries. Japan had actively supported multilateral cooperation through IAEA, and had steadily increased its financial contribution. Japan played a central role in technical cooperation with developing countries in Asia and the Pacific through the Regional Cooperative Agreement on Research, Development and Training Related to Nuclear Science and Technology in Asia and the Pacific. The programmes under that Agreement had been very successful. Regional cooperation schemes had also been established in Africa and in Latin America and the Caribbean which should benefit the countries in those regions. Japan hoped that the new model-project concept introduced by IAEA in 1994 would improve significantly the effectiveness and efficiency of technical cooperation activities and increase the benefit for recipient countries. Japan had carried

out various bilateral cooperation programmes for the exchange of technical experts and information. It would continue its technical cooperation activities, taking into account the financial situation, technical capability and needs of recipient countries. His delegation would make available a document on Japan's cooperation efforts, both multilateral and bilateral, in the field of the peaceful application of nuclear energy.

25. Responsibility for nuclear safety lay with each individual country, but international cooperation was essential to achieve and maintain a high level of nuclear safety, since an accident at any nuclear power plant had a global negative effect. It was therefore of great significance that the convention on nuclear safety had been signed by 56 Governments, including that of Japan, since it had been opened for signature in September 1994. Japan strongly hoped that the Convention would enter into force as soon as possible and that as many countries as possible would participate in it. With respect to radioactive waste management, Japan recognized the increasing importance of all aspects of the issue and endorsed the preparations for the convention on the safety of radioactive waste management. Japan shared the great concern over recent reports of illicit trafficking in nuclear materials and felt that there was a need for strengthened international cooperation in that area. In that regard his delegation appreciated the efforts of IAEA to strengthen physical protection, to support the establishment of the State system of accounting and control in the countries concerned, and to establish a database of non-sensitive information within the Agency.

26. Regarding the export of nuclear-related equipment, materials and technology to non-nuclear-weapon States, the Government of Japan strictly controlled export licences for such items and technology, issuing them only when the recipient country adhered to the Non-Proliferation Treaty, or an equivalent treaty, and accepted all IAEA safeguards, a policy which also applied to bilateral cooperation. Other countries should take similarly strict measures. Japan recognized and supported the mechanism of the Zangger Committee and the Nuclear Suppliers Group, since both strengthened the non-proliferation regime established by the Treaty. Japan also recognized the importance of the new IAEA reporting scheme on international nuclear transactions, introduced by decision of the Board of Governors in June 1993. All those measures would contribute greatly to preventing the spread of nuclear weapons and would encourage States that were not yet parties to the Treaty to accede to it.

27. Mrs. CZOCH (Hungary) said that Hungary had been among the first States to accede to the Treaty on the Non-Proliferation of Nuclear Weapons and that it considered it a fundamental multilateral instrument for the promotion of the peaceful uses of nuclear energy. During the 25 years of operation of the Treaty, Hungary had developed significant nuclear generating capacity, which it used for the benefit of its people. Hungary also shared its knowledge and professional experience with other countries. Compliance with the obligations assumed under the Treaty not only served the country's fundamental national security interests, but also opened the door to international cooperation and facilitated access to nuclear technology, equipment and material, as well as the exchange of experience with other countries.

28. Hungary commended IAEA on its technical assistance and cooperation programme, which had played an outstanding role in the nuclear development of Hungary, and whose importance for developing countries could not be overestimated. Further, he welcomed the recent introduction of the model project concept as a way to improve the efficiency and the socio-economic impact of the programme on the end-users of nuclear technology. The programme, which had greatly benefited the nuclear industry and scientific community within Hungary, had also served as a clearing-house for the transfer of knowledge and technology to other countries. For example, in 1994, Hungarian institutes working in the nuclear field had accepted 48 fellows and had organized training courses for 19 experts from 22 developing countries.

29. The nuclear-related export-import licence mechanism was a useful and indispensable tool in creating an environment of confidence and a secure framework for legitimate trade to foster the peaceful uses of nuclear energy.

30. The final document of the Conference should contain a strong reaffirmation of the importance of international cooperation in nuclear energy, particularly among parties to the Treaty and with special emphasis on the needs and priorities of developing countries, and should reflect a clear determination to promote such cooperation at the multilateral and bilateral levels. It should also reflect the progress made in the field of nuclear safety, including the elaboration and adoption of the convention on nuclear safety, as well as the need to strengthen the legal bases of such areas as nuclear waste management and nuclear liability, which were of great importance with regard to the wider application and transfer of nuclear technology for peaceful purposes. Thus the final document would duly reflect the importance of the peaceful uses of nuclear energy and the outstanding role of the Treaty on the Non-Proliferation of Nuclear Weapons in that regard.

31. Mr. SCHMIDT (Austria) said that Austria had renounced the use of nuclear energy for the generation of electricity since its population was not willing to accept the risks inherent in the technology, as a result of which Austria was not involved in cooperation in that field, which did not exclude its having an interest in the safety of nuclear power stations or cooperation with IAEA and the European Atomic Energy Community (EURATOM). Further, article IV did not require cooperation in specific areas of application of nuclear energy, or provide a blank cheque for the activities of neighbouring countries when the security and health of the population were at stake. Austria was cooperating in the IAEA technical cooperation programme in areas not related to the generation of electricity, and over the past 10 years had participated in 62 different activities, such as the financing of 200 fellows from 62 developing countries for training in radiation protection, nuclear medicine, agriculture, basic physics, radiochemistry and other areas, the provision of funds for special multi-year programmes in agriculture in Africa and Asia, and the sending of scientists to give training courses in developing countries.

32. The opinion was often heard that the industrialized countries that were parties to the Treaty displayed little will to cooperate in assistance and technical cooperation programmes, and that export controls in accordance with Article III.2 hampered development. Austria did not share those views, which was not surprising since it had been a member of the Zangger Committee since

1971 and had been a member of the Nuclear Suppliers Group since 1992. Nevertheless such talk of impediments to development and the complaint that export controls were the main such impediment should be taken seriously, perhaps in a forum to be established after the Conference. Impediments existed to the development of the non-nuclear-weapon States parties to the Treaty, caused by national realities and policies and the lack of educational infrastructure, a lack of an adequate national electricity supply grid or appropriate energy systems, and, in some cases, public rejection of nuclear technology. All those impediments should be listed as an input to any new forum so that they could be analysed and efforts made to devise proposals or programmes that would help to eliminate them. That idea could be discussed in the framework of Main Committee III, which would help article IV to assume its appropriate role in the future of the Treaty.

33. The Conference had two tasks before it: to review the implementation of the Treaty and to determine whether it should be extended. Thorough review of implementation of the Treaty would provide a basis for a decision on extension, and would shape and facilitate such a decision.

The meeting rose at 11.45 a.m.